

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
MARK NUNEZ, et al., :  
:  
Plaintiffs, :  
:  
- against - :  
:  
CITY OF NEW YORK, et al., :  
:  
Defendants. :  
:  
----- 11 Civ. 5845 (LTS)(JCF)  
X  
:  
UNITED STATES OF AMERICA, :  
:  
Plaintiff-Intervenor, :  
:  
- against - :  
:  
CITY OF NEW YORK and NEW YORK CITY :  
DEPARTMENT OF CORRECTION, :  
:  
Defendants. :  
----- X

**[PROPOSED ORDER] ACTION PLAN**

**[PREAMBLE TO BE DRAFTED AT A LATER DATE]**

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### **Section A: Immediate Initiatives to Address Harm**

#### **1. Security**

- a. *RNDC:* The Department, in consultation with the Monitor, shall continue to implement the Commissioner's violence reduction plan at the Robert N. Davoren Complex. The violence reduction plan includes changes to housing practices, improvements to staff supervision, enhanced programming and services, and increased searches and tactical search operations.
- b. *Expanded Security Initiatives to Other Facilities:* Within 60 days of this Order, the Department, in consultation with the Monitor, shall expand the Commissioner's violence reduction plan, with any necessary revisions and modifications, in order to reduce the violence and risk of harm in those facilities with the highest levels of violence and security deficiencies as determined collectively by the Department and the Monitor.
- c. *Cell Doors & Perforated Metal Window Covering:* By July 29, 2022, the Department shall install 75 new cell doors to complete the installation of new cell doors in all housing units that house young adults at RNDC. [Additional language (pertaining to Perforated Metal Window Coverings) forthcoming by Monday, May 23]
- d. *Improved Routine Tours:* The Department shall immediately institute improved practices to ensure that routine touring is occurring, including the use of the "tour" wand by Correction Officers during each tour conducted. The Office of the Commissioner shall audit the electronic records of tours conducted by uniform staff to ensure compliance with touring requirements.

2. *Staffing*

- a. *Interim Post-Priority List:* Within 30 days of the Order, the Department must develop an interim post-priority list to ensure that the posts most directly related to the safety of the incarcerated population are prioritized and duly designated as mandatory posts.
- b. *Interim List of Uniform Staff Available to Work:* Within 60 days of the Order, the Department must develop an interim list of uniform staff that are available to work a shift.
- c. *Scanning of Post Assignment:* Within 90 days of the Order, the Department shall pilot at RNDC an electronic scanning system to monitor uniform staff on priority posts in the facility.
- d. *Revised Policies to Address Staff Absenteeism, Restricted Duty, and Abuse:*
  - i. *Revised Home Confinement Visits:* Within 30 days of the Order, the Department shall implement its recently revised policies and procedures so that home confinement visits are conducted in a reasonable and efficient manner.
  - ii. *Medically Modified/Restricted Duty Status:* Within 60 days of the Order, the Department shall implement a process to eliminate the abuse of this designation by revising policies and procedures, implementing a strategic plan to limit the use of this status going forward, and to seek medical separation of staff that have been in this status [Additional language to be forthcoming by Monday, May 23].

iii. *Revised Sick Leave & Absence Control:* Within 90 days of the Order, the Department, in consultation with the Monitor, shall revise its policies and procedures regarding sick leave and absence control.

e. *Improved Management of the Health Management Division:* Within 90 days of this Order, the Department shall complete an assessment of the Health Management Division (“HMD”) in order to identify any deficiencies or inefficiencies in practices and implement a plan to ensure HMD works efficiently and reliably and consistently manages and supports uniform staff who are out of work on leave. Further, the Department shall utilize civilian staff to conduct the work of HMD.

f. *Evaluation of Current Uniform Staff on Sick Leave & Medically Restricted Status:* Within 120 days of this Order, the Department must evaluate all uniform staff currently out on sick leave more than 30 days, in the status of chronic sick, and medically restricted duty level 3, as of the date of this order, to determine whether the staff may return to work, should be separated from the Department, if discipline may need to be imposed for any potential abuse, and/or if the conduct merits referral to DOI because the abuse is potentially criminal in nature.

i. *Expedited Discipline:* By May 23, 2022 the Department shall seek expeditious processing of at least 20 medical incompetence cases before OATH. OATH shall expeditiously process these cases so that they are resolved as quickly as possible with an agreed upon settlement or a report and recommendation is issued following a trial.

g. *Referral of Staff Abuse of Sick Time or Restricted Status:* The Department shall immediately refer any cases of staff abuse of sick time or restricted status to the Department of Investigation for further investigation when the conduct of staff appears to be criminal in nature.

3. Supervision

- a. *Re-assignment of Captains to Supervision of Correction Officers:* Within 30 days of this Order, the Department will evaluate the approximately 45 Captains on Temporary Duty Assignment and re-assign most, if not all, of these Captains to posts that supervise officers assigned to housing unit posts.
- b. *Department Leadership:* The Department shall revise the Table of Organization as follows:
  - i. The Commanding Officer of each facility and command will report directly to the Commissioner.
  - ii. The Commissioner shall appoint a Senior Deputy Commissioner who shall report to the Commissioner. The following positions will report to the Senior Deputy Commissioner:
    1. Deputy Commissioner of Security – this position will include, at a minimum, the responsibilities of the Security Operations Manager outlined in Section D (Security Practices) of this Order.
    2. Deputy Commissioner of Classification, Custody Management, and Facility Operations – this position will include, at a minimum, the responsibilities of the Deputy Commissioner of Classification

outlined in Section E (Prioritize the Management of People in Custody) of this Order.

a. At least two Associate Commissioners of Operations will report to the Deputy Commissioner of Classification, Custody Management, and Facility Operations

b. An individual Assistant Commissioner of Operations will be appointed to each facility and will report to the Associate Commissioner of Operations.

3. Deputy Commissioner of Administration – this position will include, at a minimum, the responsibilities of the Staffing Manager outlined in Section C (Uniform Staffing Practices) of this Order.

iii. The Health Management Division shall report to the First Deputy Commissioner.

c. *Expanded Use of Early Intervention, Support and Supervision Unit:* The Early Intervention, Support and Supervision Unit (“E.I.S.S.”) shall be expanded to also support any staff on disciplinary probation (for any reason) and for Supervisors during their probationary period. The Department shall also develop an initiative in which each facility has at least one supervisor responsible for working with the E.I.S.S. Unit to support the uniform staff that are on the E.I.S.S. program and address any deficiencies in supervision of those staff that are identified.

## **Section B: Citywide Initiatives to Support Reform**

1. *Citywide Task Force:* In order to ensure the Department may timely and meaningfully address the requirements of this Order, the Consent Judgment, and three Remedial Orders, the City shall routinely convene representatives from all City agencies<sup>1</sup> that support the Department budget and funding, the Department's physical plant and any corresponding repairs, the Department's accountability process for staff and incarcerated individuals, and the Department's labor issues to ensure the requirements of this order are implemented in a timely and meaningful manner.
2. *Recruitment Efforts for DOC:* Within 30 days of this Order, the City and Department shall launch a new, full scale recruitment campaign focused on attracting and identifying qualified candidates for the following positions: (1) individuals with correctional expertise to serve in leadership positions, (2) attorneys and support staff for the Trials and Legal Division, (3) staff to backfill civilian roles previously held by uniform staff (with a particular emphasis on staff for the Health Management Division), and (4) physicians to evaluate whether uniform staff who are out on leave are able to return to active duty. The recruiting campaign must include unique, creative measures to attract qualified candidates, including incentives and other measures, not previously utilized.
3. *Hiring & Onboarding New Staff:* The City and Department shall ensure that the process for interviewing, extending offers, and vetting candidates (as necessary) is refined and improved to ensure an efficient hiring process. On a case-by-case basis the City must also evaluate whether a waiver of certain requirements (*e.g.* residency requirements) may be

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<sup>1</sup> This shall include, at a minimum, the City's Department of Citywide Administrative Services, the Office of Labor Relations, the Office of Management and Budget, Office of Administrative Trials & Hearings.

afforded to a candidate in order to ensure that the City and Department may hire the most qualified individuals for the position.

4. *Routine Coordination with Law Enforcement Agencies to Expedite Case Processing of Individuals Incarcerated 365 Days or More:* The Department shall develop a list every month of all incarcerated individuals that have been incarcerated for at least one year or more. This list shall also identify those individuals that have engaged in the last year in Violent Grade I infractions and use of force incidents. This list shall be produced to the Mayor's Office of Criminal Justice and, in turn, provided to representatives of each District Attorney's Office and the Office of Court Administration in order to facilitate efforts for these cases to be processed as quickly as possible. [Additional language forthcoming by Monday, May 23]

### **Section C: Uniform Staffing Practices**

1. *Appointment of Staffing Manager:* Within 90 days of this Order, the Department must select a Staffing Manager to develop a sound correctional staffing management scheme, including oversight of the Roster Management Unit and authority to implement initiatives to maximize the deployment of uniform staff as outlined in § C., ¶ 2 of this order below. The Staffing Manager must have significant expertise in correctional operations *and* correctional staffing administration in other systems outside of the New York City Department of Correction. The Department must consult with the Monitor on the selection of the Staffing Manager.
2. *Responsibilities of the Staffing Manager:* The Staffing Manager shall be responsible, at a minimum, for the following:
  - a. *Roster Management Unit:* A dedicated and centralized Roster Management Unit to manage the schedules for uniform staff across the agency. The Roster Management Unit must be equipped with appropriately trained personnel to manage the number of staff authorized to work and the assignment of uniform staff.
  - b. *Deployment of Staff in Facilities:* The Staffing Manager, along with the staff of the Roster Management Unit, must, in consultation with the Monitor, work to maximize deployment of uniform staff within the facilities, including, but not limited to the items outlined below:
    - i. *Improved Management of Staff Rosters:* Devise a central Roster Management system that tracks uniform staff by assignment to a command, including streamlining the master and daily rosters, and

creation of a post assignment classification system for every command, to ensure that uniform staff are appropriately deployed throughout the facilities and that critical posts are filled before non-essential posts.

- ii. *Increased Assignment of Captains in the Facility:* Complete a full evaluation of the assignment of all Captains and develop a plan to prioritize assignment of Captains to supervise housing units to increase Captain presence on housing units.
- iii. *Improved Supervision of Captains:* Substantially increase the number of Assistant Deputy Wardens currently assigned to the facilities or a reasonable alternative to ensure that there is adequate supervision of Captains.
- iv. *Deployment of Experienced Staff in Housing Units:* Create an assignment process in which sufficiently experienced uniform staff are deployed to housing units.
- v. *Awarded Posts:* Shall minimize the use of awarded posts so they are primarily utilized for those positions in which a particular skill set is required. A staff member with an awarded non-mandatory post must be re-deployed to a mandatory post if there are staffing shortages.
- vi. *Maximize Work Schedules:* Must create alternatives to the work schedule for uniform staff assigned to work in the facilities in order to minimize the use of a 4 by 2 schedule and optimize staff scheduling.
- vii. *Reduction of Uniformed Staff in Civilian Posts:* Must reduce the assignment of uniform staff to civilian posts, including Temporary Duty

Assignment, in order to minimize the reliance on uniform staff for tasks that can and should be reasonably completed by civilians.

- viii. *Post Analysis:* Conduct a post analysis, in consultation with the Monitor, that is rooted in correctional best practices and addresses the lapses in the Department's current staffing practices. The analysis will consider and coordinate staffing determinations the Department has made to revise and improve security practices, in order to staff posts based on reasonable operational need and avoid inefficient staffing practices currently in place (e.g., the “all available” response to all alarms).
- ix. *Relief Factor:* Create a plan, with concrete and specific timelines, of the staffing initiatives that must be completed in order to develop a reliable and reasonable relief factor.

3. *Implementation of Staffing Initiatives:* No later than 90 days after the Staffing Manager joins the Department, the Staffing Manager, in consultation with the Monitor, must develop strategies and initiatives in order for the Staffing Manager to address and implement the requirements of § C., ¶ 2 of this Order. These strategies and initiatives must be appropriately sequenced and prioritized with corresponding timelines to ensure that they are appropriately and reasonably addressed in a logical and practical manner. If the Department's system, plan, or initiative fails to adequately and reasonably address the requirements of the particular provision, the Monitor, within 15 business days of receipt of the plan, must advise the Department in writing that the system, plan or initiative is insufficient to achieve compliance with this provision. The Department, in consultation with the Monitor, will refine the system, plan or initiative as necessary to ensure

compliance with this provision. The Department must then implement the revised system, plan or initiative, including any additional requirements from the Monitor.

4. *Single Source Tracking System of Staff*: By August 15, 2022, the Department shall license appropriate software and technology to automate uniform staff scheduling and tracking, and create a central repository of information related to uniform staff assignments, status (e.g. active, restricted, in-active, long-term inactive and restricted), and scheduling across all facilities. This system must also have the capability for tracking, collecting, and securing data designed to identify a reasonable and reliable relief factor. The automated system should be based on the collection of internal data and the application of an algorithm that takes into consideration operating days, work schedules, post frequency, off-post time, and leave-time. [Additional language forthcoming about pilot of system by Monday, May 23]

## **Section D: Security Practices**

1. *Security Operations Manager:* The Department must maintain the appointment of an individual with significant expertise in correctional operations and security as the Security Operations Manager. The Department must consult with the Monitor before *any* individual is appointed to serve in this position. The Security Operations Manager must have: (1) appropriate authority to manage and implement the responsibilities enumerated below, and (2) adequate resources to conduct their work.
2. *Responsibilities of the Security Operations Manager:* The Security Operations Manager shall be responsible, at a minimum, for managing the following:
  - a. the interim Security Plan pursuant to ¶ 1(i)(a) of the Second Remedial Order;
  - b. reduced reliance on the use of the intake following a use of force incident pursuant to § A, ¶ 3 of the First Remedial Order. The Security Operations Manager shall also work in collaboration with the Deputy Commissioner of Classification regarding processing of incarcerated individuals within 24 hours in Intake, as noted in § E, ¶ 4 of this Order (below);
  - c. Emergency Response Teams pursuant to § A, ¶ 6 of the First Remedial Order;
  - d. procedures on how searches are conducted;
  - e. improved escort techniques to eliminate the unnecessary use of painful escort holds;
  - f. self-harm procedures and policies pursuant to ¶ 1(i)(b) of the Second Remedial Order; and
  - g. Post Incident Management protocols pursuant to ¶ 1(i)(e) of the Second Remedial Order.

3. *Evaluating Assessments of Compliance:* The Security Operations Manager must routinely evaluate the assessments conducted by the Nunez Compliance Unit (or any comparable unit) and address the security deficiencies identified.
4. *Implementation of Security Initiatives:* No later than 90 days after the Security Operations Manager joins the Department, the Security Operations Manager must develop initiatives, in consultation with the Monitor, to address the requirements of § D., ¶ 2 of this order. The initiatives related to Emergency Response Teams and searches must address and incorporate the Monitor’s feedback that was provided in 2021. The initiatives developed to address the requirements of § D., ¶ 2 must be implemented within 150 days of when the Security Operations Manager joins the Department. The initiatives created by the Security Operations Manager to address the requirements of § D., ¶ 2 of this order above must be provided to the Monitor once finalized. If the Department’s initiative(s) fail to adequately and reasonably address the requirements of § D., ¶ 2 above, the Monitor, within 15 business days of receipt of the plan, must advise the Department in writing that the plan is insufficient to achieve compliance with § D., ¶ 2 above. The Monitor may direct the Department to refine the initiative(s) as necessary to ensure compliance with § D., ¶ 2 above. The Department must then implement the revised initiative(s), including any additional requirements from the Monitor.
5. *Expanded Capacity for the Department’s Internal Assessment of Security Initiatives:* By August 1, 2022, the Department shall have sufficient staff dedicated to conducting reasonable assessments of the Department’s efforts to implement the initiatives described in § D., ¶ 2 above. The Department shall ensure that the findings of said assessments are

utilized by staff leadership to improve practice and any obstacles to implementing these initiatives.

6. *Reporting to the Monitor*: Beginning on June 1, 2022, the Security Operations Manager and the leader of the Nunez Compliance Unit (or comparable unit) must regularly provide updates to the Monitor regarding their work. The Security Operations Manager and the leader of the Nunez Compliance Unit will collaborate with the Monitor on the format and frequency of the updates, allowing for changes in such format and frequency as the work progresses.
7. *Cell Doors & Perforated Metal Window Covering*: [Language forthcoming by Monday, May 23]

### **Section E: Prioritize the Management of People in Custody**

1. *Classification Manager:* By August 1, 2022, the Department shall appoint a Classification Manager to oversee the Custody Management Unit. The Classification Manager must be authorized to secure necessary resources, ensure there are dedicated staff to do this work, and enforce compliance with the relevant policies and procedures and devise a process to monitor outcomes of compliance with the initiatives outlined in the responsibilities below.
2. *Responsibilities of the Classification Manager:* The Classification Manager shall be responsible for managing, at a minimum, the following:
  - a. *Centralized Unit:* a centralized Custody Management Unit (“CMU”) for all classification functions. The CMU shall centrally manage inter-facility and intra-facility transfers to ensure people are housed in units that are commensurate with their custody level and to ensure adherence to the Department’s strategy for widely dispersing people who are affiliated with a Security Risk Group (“SRG”). CMU may include staff who are located at individual facilities, but they must report directly to CMU leadership.
  - b. *Reclassification:* a reclassification process in which people in custody are reclassified at 60-day intervals following their initial classification and manage the performance of each facility accordingly.
  - c. *Updated Tracking System:* addressing concerns identified by the Classification Consultant, James Austin, regarding the reclassification form in the Inmate Information System (“IIS”).

- d. *Re-balancing Housing Units:* Development of a reasonable and adequate plan to reduce the practice of concentrating SRG-affiliates in certain housing units. The Department, in consultation with the Monitor, shall develop a phased-in implementation plan to reduce the concentration of SRG-affiliates in certain housing units.
3. *Implementation of Security Initiatives:* No later than 90 days after the Classification Manager joins the Department, the Classification Manager must develop initiatives, in consultation with the Monitor, to address the requirements of § E., ¶ 2 of this order. These initiatives must be implemented within 150 days of when the Deputy Commissioner of Classification joins the Department.
4. *Intake:*
  - a. *Processing Incarcerated Individuals Through Intake Within 24 Hours:* The Department shall continue to implement the requirements of ¶ 1(i)(c) of the Second Remedial Order.
  - b. *Initiatives to Reduce Reliance on Intake:* The Classification Manager and the Security Operations Manager shall collaborate on initiatives under each of their respective scopes of work to reduce the reliance on intake and ensure incarcerated individuals are processed through intake in a timely manner.
5. *Management of Incarcerated Individuals Following Serious Incidents of Violence:* Within 60 days of this Order, the Department, in consultation with the Monitor, must develop a housing and management strategy that will safely and adequately manage those incarcerated individuals that have engaged in serious acts of violence and pose a heightened security risk to the safety of other incarcerated individuals and staff. This

housing and management strategy must comply with the HALT Act, reflect sound correctional practice, and is subject to the approval of the Monitor. This housing and management strategy must be implemented within 30 days of receipt of approval.

## **Section F: Staff Accountability**

1. *Staffing for Trials Division:* By July 29, 2022, the Defendants must assign at least thirteen *additional* agency attorneys, two *additional* legal coordinators, four *additional* support staff and two *additional* directors to the Trials Division.
  - a. The City shall thereafter ensure that the Department's Trials Division maintains at least 25 agency attorneys and 4 directors, unless and until the Department can demonstrate to the Monitor with an internal staffing analysis that fewer agency attorneys and directors are necessary to timely address the disciplinary matters pending with the Trials Division.
2. *Expeditious Resolution of Egregious Conduct and/or Multiple Serious Violations:* The City, Department and OATH shall develop, in consultation with the Monitor, a process by which appropriate and meaningful discipline, up to and including termination, for any staff member can be imposed in any case involving: (1) conduct that would merit the Department seeking termination pursuant to the Disciplinary Guidelines, and (2) egregious conduct that resulted in the risk of serious harm to an incarcerated individual. The Monitor may refer cases to the Department for resolution in this expedited manner.
  - a. A case identified to be resolved in an expedited manner must be resolved as follows:
    - i. *Investigations:* The investigation(s) of the matter must be completed within 30 business days of identification.
    - ii. *Referral for Discipline:* The case must be processed for discipline, including completion of the MOC, referred to the Trials Division, charges

served on the Respondent, discovery produced to the Respondent, an offer for resolution must be provided to the Respondent, the case filing with OATH, and a pre-trial conference must be scheduled within 20 business days of the closure of the investigation.

- iii. *Adjudication of Discipline:* Any and all disciplinary proceedings, including, but not limited to, convening a pre-trial conference, conducting a trial before OATH, and submission of a Report and Recommendation from the OATH ALJ must be completed within 35 business days of the case being filed with OATH.
- iv. *Imposition of Discipline:* The Commissioner must impose the final disciplinary action within 15 business days of receiving the Report and Recommendation from OATH.

3. *Revised Procedures for Command Discipline:* By August 1, 2022, the Department, in consultation with the Monitor, shall revise the policy regarding Command Discipline to maximize the use of a Command Discipline for lower level misconduct and ensure efficiency in the processing of Command Disciplines.
4. *Addressing the Disciplinary Backlog:* By June 30, 2022, the Monitor shall provide the Court with the status of the Department's efforts to resolve the Priority Backlog Disciplinary Cases and the Other Backlog Disciplinary Cases in the fourth Remedial Consent Order Interim Report. This report, pursuant to ¶ 1(iii) of the Third Remedial Order, will also include the Monitor's assessment of the Department's efforts to resolve the Priority Backlog Disciplinary Cases and the steps that the Monitor recommends be taken, including relevant timeframes, to resolve the Other Backlog Disciplinary Cases.

5. *Addressing Discipline for Abuse of Staff Leave or Restricted Duty Policies:* The Department shall take all necessary steps to impose appropriate and meaningful discipline, up to and including termination, for any staff member who violates Department policies, procedures, rules, and directives relating to sick leave, restricted or modified duty, or absence without official leave.
6. *Immediate Corrective Action.* The Department shall continue to implement § C, ¶ 1 of the First Remedial Order.
7. *Responding to Monitor Recommendations.* The Department shall continue to implement § C, ¶ 2 of the First Remedial Order.
8. *Disciplinary Manager.* The Department shall maintain a Disciplinary Manager pursuant to ¶ 5 of the Third Remedial Order.
9. *Streamlined OATH Process:* The OATH Division shall continue to implement the following provisions:
  - a. *Expedited OATH Proceedings* pursuant to § C ¶ 4 of the First Remedial Order.
  - b. *Applicability of Disciplinary Guidelines to OATH Proceedings* pursuant to § C ¶ 5 of the First Remedial Order.
  - c. *Increased Number of OATH Pre-Trial Conferences* pursuant to ¶ 2 of the Third Remedial Order.
  - d. *New OATH Procedures and Protocols* pursuant to ¶ 3 of the Third Remedial Order.

## **Section G: Assessment of Compliance & Reporting in 2022**

1. *Monitor Reports:* The structure, focus, and frequency of the Monitor's Reports covering the period of January 1, 2022 through December 31, 2022 will be altered. During this period of time, four Monitor's Reports will be filed per the schedule below:
  - i. June 30, 2022
  - ii. October 28, 2022
  - iii. January 31, 2023
  - iv. March 16, 2023
2. *Court Status Conference:* The Court shall convene a status conference with the Parties and the Monitor approximately 3 weeks after the filing of each Monitor's Report.
3. *Content of Reports:* Each report will include the following:
  - a. *City and Department's Efforts to Reform the Agency:* The Monitor's evaluation and assessment of the City and Department's efforts to address the following foundational issues that corresponds with the five distinct sections of this plan. This assessment shall identify whether sufficient and sustainable progress has been made on the following:
    - i. Immediate Initiatives to Address Harm
    - ii. Citywide Initiatives to Support Reforms
    - iii. Uniform Staffing Practices
    - iv. Security Practices
    - v. Prioritizing the Management of People in Custody
    - vi. Staff Accountability

- b. An assessment of the City and Department's efforts to address the specific requirements in this Order
4. Compliance Assessment: Given the Monitor's findings in the Monitor's March 16, 2022 Special Report, (pages 63 to 65), the Monitor's assignment of compliance ratings, (pursuant to § XX, ¶ 18 of the Consent Judgment), or the Consent Judgment and the First Remedial Order are suspended for the time period covering January 1, 2022 to December 31, 2022 except for those provisions incorporated in to this Action Plan and the provisions listed below.
  - a. The Monitor shall assign compliance ratings, pursuant to § XX, ¶ 18 of the Consent Judgment, for the following provisions from the Consent Judgment and the First Remedial Order:
    - i. Consent Judgment § IV. (Use of Force Policy), ¶ 1;
    - ii. Consent Judgment § V. (Use of Force Reporting & Tracking), ¶¶ 2 & 22;
    - iii. Consent Judgment § VII. (Use of Force Investigations), ¶ 1;
    - iv. Consent Judgment § VIII. (Staff Discipline and Accountability), ¶ 1;
    - v. Consent Judgment § XII. (Screening and Assignment of Staff), ¶ 1 to 3;
    - vi. Consent Judgment § XV. (Safety and Supervision of Inmates Under the Age of 19), ¶ 1; and
    - vii. First Remedial Order § A. (Initiatives to Enhance Safe Custody Management, Improve Staff Supervision, and Reduce Unnecessary Use of Force), ¶¶ 1 & 2.
  - b. The following reports will include the compliance assessments for this select group of provisions as outlined below:

- i. The October 28, 2022 report will include the compliance assessment for the period covering January 1, 2022 to June 30, 2022.
- ii. The March 16, 2023 report will include the compliance assessment for the relevant provisions for the period covering July 1, 2022 to December 31, 2022.

5. Department's Implementation of Action Plan: [Language forthcoming by Monday, May 23, following discussion with Parties]
6. Monitor's Final Assessment of City and Department's Compliance with Action Plan: [Language forthcoming by Monday, May 23, following discussion with Parties]

Stipulation Pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626: [Language forthcoming by Monday, May 23, following discussion with Parties]

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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LAURA TAYLOR SWAIN  
Chief United States District Judge